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HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH: HON'BLE SHRI JAGDISH BHALLA, Ag. CJ

W.P. (C) No.5602 of 2007

PETITIONER

Nand Kumari Sahis
Sarpanch Gram Panchayat BEMACHA,
Tahsil & Distt. Mahasamund (C.G.)

VERSUS

RESPONDENTS

1. State of C.G. Through Secretary
Panchayat and Samaj Kalyan Department
D.K.S. Bhawan, Raipur (C.G.)
2. Collector/Appellate Authority Mahasamund
Distt. Mahasamund (C.G.)
3. S.D.M. (Revenue)/Prescribed Authority
Distt. Mahasamund (C.G.)
4. N.L. Sidar
Co-ordinator Panchayat and Samaj Shiksha
Distt. Mahasamund (C.G.)
5. F.D. Kurre
Sub ordinator,
Distt. Mahasamund (C.G.)
6. Rajesh Chandrakar
Up Sarpanch Gram Panchayat BEMCHA,
Tehsil & Distt. Mahasamund

Writ Petition under Article 227 of the Constitution of India.

Present: Shri Dinesh R.K. Tiwari, counsel for the petitioner.
Shri U.N.S. Deo, Govt. Advocate for the State.

ORAL ORDER
(Passed on 11th September, 2007)

Petitioner who is the Sarpanch of Gram Panchayat was charge sheeted after enquiry which according to the petitioner is conducted without jurisdiction by the two enquiry officers, had filed an appeal after being aggrieved by the punishment of removal and imposition of ban to contest the election to the post of Sarpanch for a period of six years before the Collector which was rejected. Aggrieved by the same, the petitioner has filed the present writ petition and according to the petitioner since the enquiry report is a voidable document, there is no provision of revision and the petitioner has a right to approach this Court directly. If this argument of the petitioner is taken to be true then the question crops up as to why petitioner had filed an appeal? This question could not be replied by the petitioner. I find that there is provision of revision under Section 91 of the Chhattisgarh Panchayat Raj Adhiniyam, 1993. Accordingly, without

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entering in to the merits of the case this petition is disposed of on the ground of availability of alternative remedy to the petitioner.

Sd/-
Acting Chief Justice

Kamale